

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isabel Cifarelli	Team: Squad #02	CCRB Case #: 202203843	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 06/04/2022 8:57 PM	Location of Incident: 325 Roebling Street	Precinct: 90	18 Mo. SOL 12/4/2023	EO SOL 12/4/2023	
Date/Time CV Reported Sun, 06/05/2022 1:43 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/13/2022 3:04 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Frank Vetere	25777	969417	090 PCT
2. PO Michael Lugo	20412	967978	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Timothy Fox	00000	944571	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Michael Lugo	Force: Police Officer Michael Lugo used a non-lethal restraining device on § 87(2)(b)	
B. PO Frank Vetere	Abuse: Police Officer Frank Vetere threatened § 87(2)(b) with the use of force.	

Case Summary

On June 5, 2022, Captain Joseph Wernersbach reported this incident involving § 87(2)(b) to IAB and it was received by the CCRB on June 13, 2022.

On June 4, 2022, at approximately 8:57p.m., § 87(2)(b) returned to his personal vehicle, which was double parked with the engine idling across the street from 325 Roebling Street, where he had been delivering a package. Police Officer Michael Lugo and Police Officer Frank Vetere of the 90th Precinct were standing at his car, apparently writing a summons for his vehicle. After a brief discussion, the officers requested § 87(2)(b) identification. § 87(2)(b) refused and, after a brief physical interaction, ran away from the officers across the street and down Roebling Street. Police Officer Lugo and Police Officer Vetere chased after him, and after a few seconds, Police Officer Lugo deployed his TASER at § 87(2)(b) making contact with his back and causing him to fall forward into the street (**Allegation A: Force – Nonlethal restraining device**, § 87(2)(g)). Officers caught up with § 87(2)(b) and began handcuffing him, but could not reach § 87(2)(b) arm, which was under his body. Police Officer Vetere stated, “Give us your hands or you’re gonna get shocked again” (**Allegation B: Abuse of Authority – Threat of force**, § 87(2)(g)). § 87(2)(b) was taken to § 87(2)(b) and then § 87(2)(b) for his injuries.

§ 87(2)(b) was arrested and charged with resisting arrest, obstruction of governmental administration in the second degree, operating a motor vehicle with a suspended registration, double-parking, and engine idling (**BR 01**).

The investigation received 11 body-worn camera (BWC) videos related to this incident, recorded by Police Officer Lugo, Police Officer Vetere, Police Officer Vincent Piselli, Sergeant Jonathan Suero, Police Officer Faisal Elwan, Police Officer Erdem Ozen, Police Officer Brian Crooks, Police Officer Michael Reilly, and Police Officer Tejinder Singh, all of the 90th Precinct, and Police Officer Jesse Trap of the 84th Precinct. The videos are located in IAs # 36, 101, and 102 (**BR 02-04**) and are summarized in IA # 65 (**BR 05**).

The Statute of Limitations for this case will pass on December 4, 2023. The closure of this case was significantly delayed by the fact that the subject officers could not be scheduled and interviewed until the GO-15 recordings of the subject officers’ interviews were received from the NYPD on April 20, 2023, and the correct Taser Data Sheet for the TASER deployment in this incident was received from the NYPD on July 7, 2023.

Findings and Recommendations

Allegation (A) Force: Police Officer Michael Lugo used a non-lethal restraining device on

§ 87(2)(b) was interviewed by the CCRB on June 30, 2022 (**BR 06**). Police Officer Lugo (**BR 07**) and Police Officer Vetere (**BR 08**) were interviewed on July 27, 2023. § 87(2)(b) testified that he double-parked his vehicle across the street from 325 Roebling Street and left his engine on. He was away from his car for approximately five to seven minutes while delivering a package. § 87(2)(b) returned to his car and saw Police Officer Lugo and Police Officer Vetere standing next to it. Police Officer Vetere appeared to be writing him a summons. He approached and asked Police Officer Vetere to please not give him a summons. Police Officer Vetere replied that there was nothing he could do because he had already started writing it. § 87(2)(b) did not believe this, so he began to complain and “curse [the officers] out.” Police Officer Lugo told § 87(2)(b) that he could give him an additional summons for leaving his car idling and ordered him to provide his driver’s license. He did not want to give him his license because he did not want another summons and because he believed he was not required to give his license to the officers because he was not driving his car when they approached it. § 87(2)(b) got upset and overwhelmed and ran away. He ran toward 325 Roebling Street, then made a left turn and tried to get around some parked cars. He did not look back at the officers while

he was running, but he believed they were having difficulty keeping up with him. Less than a block after he began running, Police Officer Lugo Tased him in the back. He did not recall anything else about the moment in which he was Tased, or the way he fell to the ground. He believed they must have Tased him in the back because he was facing away from the officers. He did not know how he landed on the ground, but he believed he must have fallen forward since the front of his head was injured as a result.

The next thing § 87(2)(b) remembered was being in an ambulance, covered in blood. Police Officer Vetere was in the ambulance with him and told him that he should have just taken the summons. § 87(2)(b) was taken to an unknown hospital initially, then he was transferred to § 87(2)(b). He was diagnosed with a brain injury (a doctor told him that his brain was leaking blood), a broken bone in his face, a laceration that required stitches on his face, and scratches on his arm.

§ 87(2)(b) medical records received from § 87(2)(b) (BR 12) show that upon arrival to the emergency room, § 87(2)(b) chief complaints were a head laceration and having been Tased. § 87(2)(b) was diagnosed with an intracranial hemorrhage, subdural bleeding, and an open fracture of the maxillary sinus. The records note that a police officer informed them that § 87(2)(b) was running at full speed when he was Tased, and he fell forward. He was transferred to § 87(2)(b) for further evaluation and management by neurosurgical services.

The Cleveland Clinic defines an intracranial hemorrhage, or a brain bleed, as bleeding between the brain tissue and skull or within the brain tissue itself (BR 13). This condition can cause brain damage and be life-threatening.

Police Officer Vetere's BWC footage (BR 03) begins as Police Officer Vetere is writing a summons against the hood of § 87(2)(b) vehicle. § 87(2)(b) approaches and points at the summons. Police Officer Vetere and § 87(2)(b) appear to have a verbal conversation, but the audio does not begin until 1 minute into the video. At the 00:55 mark, § 87(2)(b) opens the driver's door of his vehicle, places a package on the driver's seat, and pauses for a moment before turning around quickly toward Police Officer Lugo. He takes a step toward Police Officer Lugo, who appears to grab § 87(2)(b) arms. § 87(2)(b) takes a step back from Police Officer Lugo and raises his arms up and out of Police Officer Lugo's grasp. He turns around and walks past Police Officer Vetere, who reaches out with both hands toward § 87(2)(b) who lunges further into the street. § 87(2)(b) yells, "I didn't do nothing," turns sharply, and runs across the street. At 01:03, Police Officer Lugo can be seen with his TASER out and pointed toward § 87(2)(b). Police Officer Vetere yells, "You will get Tased," and Police Officer Lugo begins chasing after § 87(2)(b). Police Officer Vetere follows.

Police Officer Lugo's BWC footage (BR 04), beginning at 00:26 into the video, shows the moment in which § 87(2)(b) opens the driver's door to his vehicle and places the package inside. He turns around toward Police Officer Lugo, who places his left hand on the door, blocking § 87(2)(b) path to exit. § 87(2)(b) takes one step toward Police Officer Lugo, who reaches forward and grabs both of § 87(2)(b) arms. § 87(2)(b) raises his arms out of Police Officer Lugo's grip while stepping backward from Police Officer Lugo. § 87(2)(b) takes a few more steps backward. Police Officer Vetere leans toward § 87(2)(b) and reaches toward his right arm. § 87(2)(b) runs into the street, then across the street, and Police Officer Lugo follows him. Police Officer Lugo's TASER is visible in frame pointed toward § 87(2)(b) at the 00:32 mark. Police Officer Lugo chases § 87(2)(b) across the street onto the sidewalk. § 87(2)(b) runs down the sidewalk at a high rate of speed. At the 00:37 mark, Police Officer Lugo deploys his TASER toward § 87(2)(b) back. Screenshots taken from Police Officer Lugo's video at the 00:37 mark (BR 09-10) show TASER prongs extending from Police Officer Lugo's TASER while both of § 87(2)(b) feet are off the ground, apparently between six to twelve inches in the air. § 87(2)(b) body becomes stiff and falls down headfirst into the street, his feet approximately two to three feet from the curb and his head and

torso extending into the street, past the row of cars parked against the curb. His right arm is extended straight down toward his legs, and his left arm appears to be pinned underneath his body. Police Officer Lugo approaches § 87(2)(b) who is laying with the left side of his head on the ground.

In Police Officer Lugo's BWC footage, beginning at 01:20 into the video, Police Officer Vetere states, "Everybody wants to run, man. Why do you want to run?" Police Officer Vetere states, "It's just a summons, man, I don't understand. It's a summons." At the 02:55 mark, Police Officer Lugo states, "Why did you run? We were gonna give you a parking ticket." Police Officer Vetere repeats this. At the 03:12 mark Lieutenant Timothy Fox arrives on scene. Police Officer Lugo states, "We were gonna give him a parking ticket for double parking, and then we were gonna give him a C-summons." Police Officer Vetere states, "He left his keys in his car, and he takes off running." Lieutenant Fox replies, "You eventually give up. You don't have to tase everybody, you just chase them down."

Police Officer Lugo provided testimony that was generally consistent with the BWC footage and § 87(2)(b) testimony. He stated that § 87(2)(b) was calm until Police Officer Vetere told him that he was going to receive a summons, at which point he began to act in an erratic manner, walking around, opening the car door, looking around, and cursing. These actions posed a safety concern because he did not know whether § 87(2)(b) vehicle contained any dangerous items. § 87(2)(b) who was standing between Police Officer Lugo and the car, attempted to step past Police Officer Lugo, so Police Officer Lugo attempted to restrict § 87(2)(b) movement by putting his hands on his arms. Police Officer Lugo asked § 87(2)(b) for his identification, and he stated something to the effect of, "Fuck you, I'm not giving you my ID." Together, Police Officer Lugo and Police Officer Vetere asked for § 87(2)(b) identification at least three times. When Police Officer Lugo grabbed § 87(2)(b) arms, § 87(2)(b) threw his own arms up, with his arms slightly bent and moving quickly up above his head, in an attempt to break Police Officer Lugo's grip. Police Officer Lugo believed that § 87(2)(b) intended to break his grasp based on his previous evasive movements and behavior. Almost immediately after throwing his arms up, § 87(2)(b) stated something like, "I didn't do anything wrong." § 87(2)(b) sidestepped Police Officer Lugo, then he sidestepped Police Officer Vetere when he attempted to grab him. Immediately after § 87(2)(b) sidestepped Police Officer Lugo, but before § 87(2)(b) had sidestepped Police Officer Vetere, Police Officer Lugo took his TASER out. He did so because § 87(2)(b) was actively resisting at this point. He took the TASER out in preparation to use it. Police Officer Lugo did not recall whether § 87(2)(b) was in a position to see him when he took the TASER out. Police Officer Lugo considered other options prior to pulling out his TASER, such as using a baton, using OC spray, and catching up to him and tackling him. He did not believe a baton or OC spray would be effective given how quickly the situation was moving, and the OC spray posed the risk of blowing back into his own face. These were the only alternative options Police Officer Lugo considered. Police Officer Lugo, knowing himself, knew that he was not going to be able to catch § 87(2)(b) who was running faster than him.

Police Officer Lugo stated that he would not describe any of the violations committed by § 87(2)(b) as "violent," but he described him as aggressive. When asked to explain what he meant by "aggressive," Police Officer Lugo replied that § 87(2)(b) was, "violently cursing" and physically stopping officers from detaining him. The cursing and the pushing of Police Officer Lugo's hands in the air indicated to Police Officer Lugo that § 87(2)(b) was not going to comply with them. Police Officer Lugo considered § 87(2)(b) a danger to himself because he was "not acting normally," and was acting irate. Police Officer Lugo in his career had issued many summonses and had never seen someone react that aggressively to receiving a summons. Police Officer Lugo was asked what danger § 87(2)(b) appeared to pose to himself, and he replied, "It just seemed like ... Normal people would just not react that way, so he just did not seem like he had control of himself in a stressful situation." § 87(2)(b) did not appear to be armed. Police

Officer Lugo chased § 87(2)(b) across the street, then northbound on Roebling Street because he was attempting to arrest him. Police Officer Lugo then deployed his TASER because § 87(2)(b) had actively resisted being detained by verbally stating that he would not provide his identification, and physically stopping Police Officer Lugo's attempts to place him into custody. § 87(2)(b) had gotten between 30 and 50 feet from the car before Police Officer Lugo deployed the TASER. Police Officer Lugo was approximately ten feet from § 87(2)(b) when he deployed the TASER.

Police Officer Lugo stated that he deployed the TASER at that particular moment because he judged it to be his best opportunity to actually make contact with § 87(2)(b). Police Officer Lugo believed that if he did not catch up with or apprehend § 87(2)(b) "anything" could happen. He stated that it was not an option for him to allow § 87(2)(b) to get away, because he was guilty of a crime. When Police Officer Lugo deployed the TASER, § 87(2)(b) was still on the sidewalk, but he appeared to be attempting to run back into the § 87(2)(b) and his momentum carried him into the street when he fell. § 87(2)(b) was exactly on the raised curb between the sidewalk and the street when Police Officer Lugo deployed the TASER. When asked whether he had any concerns for potential injury to § 87(2)(b) prior to deploying the TASER, Police Officer Lugo replied that there are always safety concerns when deploying a TASER, because anyone can get hurt. When asked to clarify his concerns related to this incident, he stated that he did not expect § 87(2)(b) to get hurt. When asked to clarify why he did not think § 87(2)(b) may be injured, he stated, "Because I can't assume." He was asked whether he considered § 87(2)(b) position on the curb to pose a particular safety concern, and he replied that he did not know what type of injury § 87(2)(b) would sustain, and to do so would be speculation. Police Officer Lugo did not at any point consider waiting to use the TASER until § 87(2)(b) was no longer on the raised curb.

Police Officer Vetere provided testimony that was mostly consistent with the BWC footage and with Police Officer Lugo's testimony. Police Officer Vetere stated that when § 87(2)(b) threw his arms up to break Police Officer Lugo's grasp, he also shoved Police Officer Lugo in the same motion. At the time that § 87(2)(b) ran away from the officers, Police Officer Vetere believed "in a sense" that § 87(2)(b) was dangerous, because "he obviously showed he was willing to disobey direct orders from police officers and put his hands on a police officer, so ... if he's willing to do that, what more is he willing to do?" He explained that at the point that he was running away, he was also guilty of a violent offense, namely pushing a police officer. He stated that he was also potentially causing harm to himself and the public because he was running into an open street, and a sidewalk where people were walking. However, Police Officer Vetere did not draw his TASER, because it would not have been safe for him to tase § 87(2)(b) given that Police Officer Lugo was between him and § 87(2)(b).

The TASER data sheet for serial number § 87(2)(b) (BR 11), the TASER carried by Police Officer Lugo on the incident date, shows a trigger event lasting 5 seconds at 20:57:08 on June 4, 2022.

TRI # § 87(2)(b) (BR 23), prepared by Captain Wernersbach, states that § 87(2)(b) approached officers, "in a loud and boisterous manner saying, 'Fuck you, bitch, I won't give you my ID,' and attempted to enter [his] vehicle to evade officers." § 87(2)(b) fled, and Police Officer Lugo pursued him and deployed his TASER, causing § 87(2)(b) to fall to the ground.

NYPD Patrol Guide Procedure 221-08 (BR 14) states that Conducted Electrical Weapons (CEWs) should only be used against persons who are actively resisting, against persons exhibiting active aggression, or to prevent individuals from physically injuring themselves or other persons present. Fleeing should not be the sole justification for using a CEW against a subject. Members should consider the severity of the offense, the subject's threat level to others, and the risk of serious injury to the subject before deciding to use a CEW on a fleeing subject. CEWs should generally not be used in situations where the subject may fall from an elevated surface.

It is undisputed that Police Officer Lugo deployed his TASER at § 87(2)(b) back as he fled from the officers, causing him to fall forward from the curb into the street. Police Officer Lugo testified that he deployed the TASER to apprehend § 87(2)(b) which he did not believe he could accomplish by other means. He deployed the TASER specifically as § 87(2)(b) was approaching the curb because he judged it to be the best opportunity for the TASER to be effective and did not consider any safety issues particular to using the Taser against § 87(2)(b) at that point. Although both officers testified that § 87(2)(b) could be considered dangerous due to his apparently illogical behavior, the offense for which they were attempting to place him in custody, leaving a double parked vehicle unattended and idling and then pulling out of Police Officer Lugo's grasp and fleeing, was neither severe nor violent, § 87(2)(g)

Given § 87(2)(b) speed at the time of TASER deployment and his positioning on the elevated curb relative to the street he was running onto and would be expected to fall to, using a TASER on his back should reasonably be expected to pose a serious risk of injury to § 87(2)(b) § 87(2)(g)

The risk is evidenced by § 87(2)(b) resultant injuries, which were consistent with falling unsupported onto one's head and could have readily caused permanent damage or death. § 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Frank Vetere threatened § 87(2)(b) with the use of force.

As mentioned above, § 87(2)(b) did not have any recollection of the period between being Tased and waking up in the ambulance.

As discussed in Allegation A, Police Officer Lugo's BWC (BR 04) shows him deploying his TASER at 00:37 into the video in the direction of § 87(2)(b) back. Police Officer Lugo places a handcuff on § 87(2)(b) right arm at the 00:42 mark, five seconds after TASER deployment. Police Officer Vetere's BWC footage (BR 03) shows him catching up to Police Officer Lugo at 01:14 into the video. § 87(2)(b) is on his stomach, and Police Officer Lugo is kneeling on § 87(2)(b) legs with both hands at § 87(2)(b) right wrist. Police Officer Lugo places a handcuff on § 87(2)(b) right wrist at the 01:14 mark, indicated by the audio. Police Officer Vetere tells § 87(2)(b) to "stay down." § 87(2)(b) does not appear to be moving independently of Police Officer Lugo. Police Officer Vetere tells § 87(2)(b) to stay down again, and Police Officer Lugo, who now has one hand on § 87(2)(b) right wrist and the other on his back, states, "Give me your hand." At 01:16, a large pool of blood is visible underneath § 87(2)(b) head. Police Officer Lugo tells § 87(2)(b) "Give me your hand," a few times in quick succession. § 87(2)(b) does not appear to respond to this with any verbal or physical indication. Police Officer Vetere reaches under § 87(2)(b) torso, where his left arm is pinned from the elbow down, while Police Officer Vetere's right hand presses on § 87(2)(b) back. § 87(2)(b) torso appears to move slightly, though it is unclear what causes this. Police Officer Lugo states, "Give me your hand," three more times, while he too grasps at § 87(2)(b) pinned arm. Police Officer Vetere also tells § 87(2)(b) to give his hand. At the 01:22 mark, 13 seconds after Police Officer Lugo deployed his TASER and eight seconds after the first handcuff was placed on § 87(2)(b) Police Officer Vetere states, "Give us your hand or you're gonna get shocked again," as Police Officer Lugo pulls § 87(2)(b)

arm from underneath his torso. Police Officer Lugo handcuffs § 87(2)(b) left wrist at the 01:28 mark, 14 seconds after the first handcuff was placed. At the 01:33 mark, § 87(2)(b) face becomes visible. The right side of his face is now facing the ground, while the left side of his face, which is largely covered in blood, is in view of Police Officer Vetere's BWC. It is unclear whether his eyes are open. After approximately 20 minutes, an ambulance arrives, and § 87(2)(b) is taken to the hospital.

Police Officer Lugo testified that after the TASER deployment, § 87(2)(b) landed face forward, either on his chest or his head. Police Officer Lugo and Police Officer Vetere caught up with § 87(2)(b) who was laying down with his arms under his body. His arms were tensed in front of him, and he was not allowing the officers to handcuff him. Police Officer Lugo believed § 87(2)(b) was saying something during this time, but he did not know what it was. He appeared to be conscious, lucid, and understanding what is going on at this time. He was bleeding from his face, around his eye area. There was a "decent" amount of blood, per Police Officer Lugo, on § 87(2)(b) and on the ground. § 87(2)(b) demeanor had changed, and he was much calmer, meaning that he was no longer fighting with the officers, though he was still actively resisting in the form of tensing the muscles in his arms. His arms were tense enough that Police Officer Vetere had to warn him that if he did not comply, he could be Tased again. Police Officer Lugo testified that he could not speak to what § 87(2)(b) intended, but he believed that this was intentional resistance because § 87(2)(b) was conscious and "knew what was going on." However, § 87(2)(b) was not moving around at all as he was being handcuffed. Other than the fact that he was breathing, awake, and looking around, nothing else led Police Officer Lugo to believe that § 87(2)(b) was aware of what was going on. At the moment that Police Officer Vetere issued a verbal warning to § 87(2)(b) about the potential need to tase him again, Police Officer Lugo believed that the statement was accurate in that he may need to be Tased if he continued to resist.

Police Officer Vetere testified that he did not draw his TASER while chasing § 87(2)(b) because it would not have been safe for him to use the TASER, given that Police Officer Lugo was between him and § 87(2)(b). Police Officer Vetere explained to the investigation that when officers are attempting to stop someone, his understanding was that using a TASER is the "lowest level of force" they can use. § 87(2)(b) landed face down on the ground after the TASER deployment. He fell head- and chest-first. When Police Officer Vetere caught up, Police Officer Lugo was already over § 87(2)(b) who was lying face down on his stomach with his left hand underneath his body. The officers attempted to place him in handcuffs, but he was "still resisting," and "did not give his arms freely." § 87(2)(b) was tensing his arms, which Police Officer Vetere could tell because he was unable to pull § 87(2)(b) arm from underneath him. Police Officer Vetere's understanding was that a TASER could lock up a person's muscles, but that the effects did not last after it was actively being triggered.

Police Officer Vetere stated that he considered that it was possible that § 87(2)(b) would be injured from a fall like the one he had just observed him undergo. When Police Officer Vetere reached him, § 87(2)(b) was in a prone position. Police Officer Vetere did not see any of § 87(2)(b) injuries until after handcuffs were on and he did not notice any blood in the area until they sat § 87(2)(b) up after the handcuffing. Police Officer Vetere stated that he knew § 87(2)(b) was conscious because his eyes were open and he was "actively resisting me taking his arms," which an unconscious person could not do. There was no weight applied to § 87(2)(b) by Police Officer Vetere or Police Officer Lugo. Police Officer Vetere issued a verbal warning that he would use the TASER, "because in my head we may have to deploy it again." He did not have any other reason for issuing the verbal TASER warning.

NYPD Patrol Guide Procedure 221-08 defines a Conducted Electrical Weapon (CEW) as a handheld device designed to use propelled wires and/or direct contact to conduct an electrical charge which primarily affects motor functions and/or the sensory nervous system. CEWs should only be used against persons who are actively resisting, against persons exhibiting active

aggression, or to prevent individuals from physically injuring themselves or other persons present. It is strictly prohibited to use the CEW on persons who passively resist (e.g., going limp, offering no active physical resistance). Active resistance includes physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody. A CEW is classified as a less lethal device and is intended to augment and provide a greater margin of safety for MOS who might otherwise be forced to physically subdue a dangerous subject. Officers should consider the totality of the circumstances when deciding the reasonable amount of force necessary to overcome resistance. Members should consider that exposure to the CEW for longer than fifteen seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. When feasible, officers should issue a verbal warning prior to discharging the CEW to gain voluntary compliance and prevent the need to use force.

BWC footage shows that § 87(2)(b) fell from a significant distance following the TASER deployment and landed face-down toward the left side of his body, with his left arm pinned underneath his torso. Medical records show that, when evaluated at the hospital, he was diagnosed with an intracranial hemorrhage and a skull fracture resulting from his fall. Police Officer Vetere testified that his sole reason for threatening to use his TASER on § 87(2)(b) was that he believed there was the potential he would have to, as he believed § 87(2)(b) was actively resisting by tensing his muscles and was not "giving his arms freely." He believed that this was an intentional act simply because § 87(2)(b) appeared to be conscious at the time. BWC footage shows that when Police Officer Vetere issued the verbal TASER warning, approximately eight seconds had passed since he had arrived at § 87(2)(b) side, 13 seconds had passed since Police Officer Lugo had deployed his TASER against § 87(2)(b) (with a 5-second trigger time), causing him to fall in this position, and there was already a handcuff on § 87(2)(b) other hand. § 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 15).
- Police Officer Lugo has been a member of service for four years and has been a subject in one other CCRB complaint and one additional allegation, which was not substantiated.

§ 87(2)(g)

- Police Officer Vetere has been a member of service for three years and has been a subject in one other CCRB complaint and one additional allegation, which was not substantiated.

§ 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming false arrest, unlawful search and seizure, negligence, battery, denial of proper medical care, excessive force, intentional and negligent infliction of emotional distress, unlawful imprisonment, malicious prosecution, negligence, negligent hiring, negligent screening, negligent retention, negligent supervision, and negligent training, seeking \$20,000,000 as redress (BR 17). § 87(2)(b) A request for the transcript of this hearing was denied by the Office of the Comptroller absent a court order (BR 18).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad: 2

Investigator:	<u>Isabel Cifarelli</u>	<u>SI Isabel Cifarelli</u>	<u>09/06/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Alexander Opoku-Agyemang</u>	<u>IM Opoku-Agyemang</u>	<u>9/6/2023</u>
	Signature	Print Title & Name	Date